

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON LEE SUTTON,

Plaintiff,

v.

STATE OF WASHINGTON *et al.*,

Defendants.


Case No. C04-5642FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, and the remaining record, and noting that Plaintiff filed a response stating that he has no objections to the report and recommendation, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The plaintiff's motion for default against two unserved defendants is **DENIED**. The Court does not have jurisdiction over unserved parties.
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold.

DATED this 4th day of October 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE